IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THSURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL No : 785 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/03/2005 in W.P. No.4329 of 2005 on the file of the High Court.)

Between:

K.H. Nadaf, S/o. Hussain Saheb,
No. 881226786-Ct/GD G/90 Bn, CRPF, Padmaraonagar, Secunderabad.

..... APPELLANT

AND

1 The Director General Of Police, Central Reserve Police Force, C.G.O. Complex, Lodhi Road, New Delhi.
2 The Inspector General Of Police, Cedntral Reserve Police Force, Southern Sector, Chandrayangutta, Hyderabad - 500 005.
3 The Deputy Inspector General Of Police, Central Reserve Police Force, Southern Sector, Chandrayangutta, Hyderabad - 500 005.
4 The Commandant, 90 BN, Central Reserve Police Force, Padmaraonagar, Secunderabad - 500 025.

.....RESPONDENTS

Counsel for the Appellant: MR.MOHD. VASI AHMED

Counsel for the Respondent Nos. 1 to 4: MR.S.S.VARMA(ADDL CGSC)

The Court made the following :

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JUDGMENT:

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This writ appeal is filed by the appellant aggrieved by the order in W.P.No.4329 of 2005, dated 22.03.2005, under which the learned Single Judge dismissed the said writ petition.

The appellant herein is the writ petitioner. Originally, the writ petition was filed by him seeking a direction in the nature of writ of Mandamus directing the respondents to consider his request for transfer either to Hyderabad, or Secunderabad so as to enable him to provide proper medical treatment to his handicapped daughter. The learned Single Judge having observed that the transfer of the petitioner is only on administrative grounds and it needs no interference of this Court, dismissed the petition.

Heard the learned Counsel on either side.

The learned Counsel for the appellant contends that the daughter of the appellant is suffering from a prolonged ailment since the date of her birth and the medical facilities are available at Hyderabad and Secunderabad and therefore, the transfer of the appellant either to Hyderabad or Secunderabad is highly essential in the interest of his daughter. It is further contended that a representation has been made on 15.1.2005 in that regard and the same is still pending with the respondents and therefore, the single Judge is not justified in dismissing the writ petition.

On the other hand, the learned Counsel for the respondents contended that as per the choice of the appellant, he was posted at Hyderabad on an earlier occasion from August, 1996 to January, 2003 and as he availed his choice of posting, he cannot seek for his choice of posting once again and therefore, the appeal is liable to be dismissed.

Keeping in view the background of the matter and also the representation pending with the respondents-authorities, without expressing any opinion on the merits of the case, We feel it just and proper to direct the respondents to dispose of the representation made by the appellant in accordance with the rules.

The order of the learned Single Judge is modified to the extent indicated above. Accordingly, the writ appeal is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice L. Narasimha Reddy

Dated: 7th April, 2005

Nn/Gurc.

Copy to:

1. The Director General of Police, Central Reserve Police Force,

   C.G.O., Complex, Lodhi Road, New Delhi.

2. The Inspector General of Police, Central Reserve Police Force,

   Southern Sector, Chandrayangutta, Hyderabad-500 005.

3. The Deputy Inspector General of Police, Central Reserve Police Force,Southern Sector, Chandrayangutta, Hyderabad-500 005.

4. The Commandant, 90 BN, Central Reserve Police Force,

   Padmaraonagar, Secunderabad-500 025,

5. Two C.D. Copies.